



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,931	03/25/2004	Joseph A. King	5860	6896

7590 09/21/2005

Jacobson and Johnson  
Suite 285  
One West Water Street  
St. Paul, MN 55107-2080

EXAMINER

HOEY, BETSEY MORRISON

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/808,931

Applicant(s)

KING, JOSEPH A.

Examiner

Betsey M. Hoey

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 20-27 is/are rejected.
- 7) ☒ Claim(s) 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 1724

1. Claims 2, 15, 20 and 25 are objected to because of the following informalities: in claim 2, "removable mounted" should be "removably mounted"; in claim 18, "at least two dispensing devices...for holding at least two dispensing devices" appears to be in error; in claim 20 "filer" should be "filter"; in claim 25 "permit to hand removal" should be "permit hand removal". Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7, 9, 13, 14 and 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the last two lines are awkward and incomprehensible. In claims 2-4, "containers" is indefinite because claim 1 recites both a liquid container and dispensing container. Also, in claim 2, "the containers" lacks antecedent basis because it appears that only the dispensing container (singular) is referred to from claim 1. In claim 7, "said liquid inlet" lacks antecedent basis, and "the dispensing" also lacks antecedent basis because it should be "the dispensing device". In claim 9, "the liquid inlet" lacks antecedent basis. In claims 13 and 14, "the dispenser housing" lacks antecedent basis. In claim 20, "the dispersant" lacks antecedent basis. In claim 25, "the dispensers" (plural) lacks antecedent basis. In claims 26 and 27, "the filter" lacks antecedent basis. The remaining claims are rejected because they depend on rejected claims.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1724

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,656,353 to Kilawee et al. Kilawee et al. teach a device comprising a liquid conduit, a dispenser mounted on a wall of the conduit, a liquid dispensable material, wherein the rate of dispensable material dispensed varies with the flow of liquid as it is controlled by a bypass and controller. Securing members are shown to frictionally secure the dispenser to the conduit, and may be considered "fingers", which wrap around the outside of the conduit. The device is capable of holding any kind of solid dispensing material, including an ion generation material. The conduit is both a liquid inlet and liquid outlet.

6. Claims 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,855,252 to Brandreth, III. Referring to the figures, Brandreth, III teaches a dispenser comprising a filter housing 100, a filter 53, retainer or "end cap" 78, stand 60, dispensing device 38, and dispensable material 40. It is submitted that dispensable material 40 is not dispensed if it doesn't come into contact with water, and therefore it has a dispensing rate of zero without a water flow rate, and a higher dispensing rate with a water flow rate. It is also submitted that since material 40 can be a chemical of "any soluble type", then an ion yielding material is within the scope of, and encompassed by, the material of Brandreth, III.

7. Claims 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandreth, III. Brandreth, III teaches the device described above. The cartridge retainer

Art Unit: 1724

means, 60, shown in figure 1 may be considered a cap on a housing 53, which comprises filter material. The means 60 has an opening for dispenser cartridge 30. As described above, the material in the cartridge is capable of dispensing at a rate of zero without water flow, or a higher flow rate with water flow.

8. Claims 1-5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claims 16, 18, 19, 21, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-5 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, because the prior art of record fails to teach, disclose, or fairly suggest a liquid system comprising a pivotally mounted gate; a dispensing device secured to the gate comprising a container having a liquid dispensable material therein; wherein the system is capable of dispensing the material at a first rate when the gate is stationary, and at a second rate when the gate pivots in response to waves in the liquid system.

Claim 16 would be allowable if rewritten in independent form including all of the limitations of claim 15, because the prior art of record fails to teach, disclose, or fairly suggest a liquid system comprising a support member having a resilient base for securement to an end cap, in combination with all of the limitations of claim 15.

Art Unit: 1724

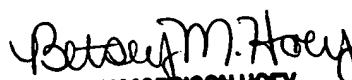
Claims 18 and 19 would be allowable if rewritten in independent form including all of the limitations of claim 15, because the prior art of record fails to teach, disclose, or fairly suggest a liquid system comprising at least two dispensing devices on a stand, in combination with all of the limitations of claim 15.

Claim 21 would be allowable if rewritten in independent form including all of the limitations of claim 20, because the prior art of record fails to teach, disclose, or fairly suggest a liquid system comprising a dispenser with a set of threads as recited in the claim, in combination with all of the limitations of claim 20.

Claim 23 would be allowable if rewritten in independent form including all of the limitations of claim 20, because the prior art of record fails to teach, disclose, or fairly suggest a liquid system comprising a dispenser having a flange and sealing ring as recited in the claim, in combination with all of the limitations of claim 20.

Claim 24 would be allowable if rewritten in independent form including all of the limitations of claim 20, because the prior art of record fails to teach, disclose, or fairly suggest a liquid system comprising at least two dispensers mounted in the cap with each extending partially into the chamber, in combination with all of the limitations of claim 20.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is (571) 272-1158. The examiner's supervisor, Mr. Duane Smith, may be reached at (571) 272-1166. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987. The centralized fax number for the Group is (571) 273-8300.

  
BETSEY MORRISON HOEY  
PRIMARY EXAMINER

September 19, 2005